



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

March 8, 2019

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU, et al. v. DOD, et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

I write respectfully on behalf of Defendants the Department of Defense (“DOD”), Department of State (“DOS”), and Central Intelligence Agency (“CIA”) in the above-referenced action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write with Plaintiffs’ consent to request a two-week enlargement of Defendants’ deadline to file a motion for summary judgment in this case, from March 15 to March 29, 2019. *See* Dkt. No. 105. This is Defendants’ first request for an enlargement of this deadline. The reason for the request is that the undersigned counsel learned shortly after the end of the partial government shutdown that one of the agency counsel who had been assisting the Government in this matter since its inception is now assigned to a different position elsewhere in the Government, and is therefore no longer able to work on this case. A new agency counsel was assigned only late last week. Given the substantive and procedural complexity of this matter, the need to prepare an agency declaration in support of Defendants’ upcoming summary judgment motion, and the substantial inter-agency coordination and consultation involved, the Government requires additional time to file its opening motion papers. I have consulted with Plaintiffs, who consent to this request.

If the Court is inclined to grant the request set forth herein, the parties have conferred and respectfully request that all pending briefing deadlines be moved forward by two weeks, as follows:

- Defendants DOD, DOS, and CIA file their motion for summary judgment (35 pages) on March 29, 2019;
- Plaintiffs file their opposition and cross-motion (35 pages) on May 3, 2019;

- Defendants file their opposition and reply (25 pages) on May 24, 2019; and
- Plaintiffs file their reply (25 pages) on June 14, 2019.

We thank the Court for its consideration of this matter.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Rebecca S. Tinio
REBECCA S. TINIO
Assistant United States Attorney
Tel.: (212) 637-2774
Fax: (212) 637-2702
rebecca.tinio@usdoj.gov

cc: Counsel of record (by ECF)